

REMARKS

Claims 1 – 21 are pending in the application. In the Official Action, claims 1-21 were subjected to an restriction requirement. By this Response, an election is made without traverse.

As the basis of the restriction requirement, the Examiner asserts that the application contains claims directed to the following inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1: Invention I, claims 1–13, purportedly drawn to an implant; and Invention II, claims 14 – 21, purportedly drawn to a method.

In the outstanding Office Action, Applicant is required under 35 U.S.C. 121 and 372 to elect a single invention to be examined, and to identify claims encompassing the elected invention.

By this Response, an election is made **without traverse**.

ELECTION

Applicant elects Invention I, claims 1 – 13, for examination, **without traverse**.

Applicant's lack of traversal is made without prejudice or disclaimer, and without assent to the Examiner's characterization of claim 1 as failing to provide a contribution over the prior art. Applicant will await a formal rejection from the Examiner before providing any response to the Examiner's citation of prior art against the present claims.

Appl. No. 10/587,211
Attorney Docket No. 27571U
Response to Office Action dated July 30, 2007

CONCLUSION

Having made the required election, examination on the merits is earnestly solicited.

Should the Examiner deem that any further action by Applicant's undersigned representative is desirable and/or necessary, the Examiner is invited to telephone the undersigned at the number set forth below.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

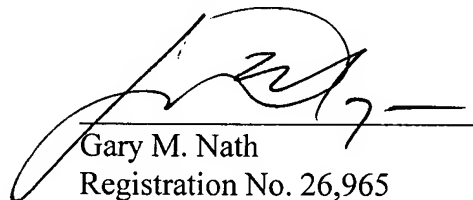
Respectfully submitted,

THE NATH LAW GROUP

Date: January 3, 2008

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A handwritten signature in black ink, appearing to read 'Gary M. Nath', is written over a horizontal line.

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